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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

9 RANDY COY HENDERSON,  
10 Plaintiff,  
11 v.  
12 CANDY ZRELIAK, *et al.*,  
13 Defendants.

Case No. 06-5510 FDB/KLS

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

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15 This civil rights action has been referred to United States Magistrate Judge Karen L.  
16 Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court is  
17 Plaintiff's motion for appointment of stand-by counsel (Dkt. #24). Having reviewed the motion, the  
18 Court finds, for the reasons stated below, that it should be denied.

19 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.  
20 Although the court, under 28 U.S.C. § 1915(d), can request counsel to represent a party proceeding  
21 *in forma pauperis*, the court may do so only in exceptional circumstances. Wilborn v. Escalderon,  
22 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984);  
23 Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires  
24 an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to  
25 articulate his claims *pro se* in light of the complexity of the legal issues involved. Wilborn, 789 F.2d  
26 at 1331.

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28 ORDER - 1

1 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se* and has not  
2 demonstrated that the issues involved in this case are complex or that he has had any difficulties in  
3 expressing them. Plaintiff has brought forth his claims in a clear and organized manner. While  
4 Plaintiff may not have vast resources or legal training, he meets the threshold for a pro se litigant and  
5 the Court finds that counsel is unnecessary in this case. In addition, Plaintiff has not demonstrated a  
6 likelihood of success on the merits of his claims.

7 Accordingly, Plaintiff's motion to appoint counsel (Dkt. # 24) is **DENIED**.

8 The Clerk is directed to send copies of this Order to Plaintiff and counsel for Defendants.

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10 DATED this 18th day of January, 2007.

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14 Karen L. Strombom  
15 United States Magistrate Judge  
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